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**ORDINANCE NO. 09-67**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REVISING THE FINAL HIALEAH, FLA., LAND DEVELOPMENT CODE TO REFLECT PERTINENT CHANGES TO THE HIALEAH CODE AND RELEVANT CHANGES IN STATE LAW ENACTED SINCE THE DATE OF THE LAST REVISION, INCLUDING, BUT NOT LIMITED TO, AMENDING LAND DEVELOPMENT REGULATION NO. 7 ENTITLED "SIGN REGULATION"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE HIALEAH, FLA., LAND DEVELOPMENT CODE AND THE HIALEAH CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of August 12, 2009 recommended approval of this ordinance; and

**WHEREAS**, the purpose and intent of this ordinance is to revise the Hialeah, Fla., Land Development Code to reflect changes in the planning regulations and policies, Hialeah Code and Florida law enacted since the last revision pursuant to Hialeah, Fla., Ordinance 08-86 (Oct. 30, 2008); and

**WHEREAS**, the incorporation of these changes are required so that provisions of the Hialeah, Fla. Land Development Code correspond to the existing Hialeah Code provisions to provide a uniform set of land development regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Hialeah, Fla., Land Development Code as incorporated in the Code of Ordinances of the City of Hialeah, Florida is hereby revised and amended to read as follows:

**PART III**

**LAND DEVELOPMENT CODE**

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**REGULATION NO. 7 SIGN REGULATION**

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**Sec. 7-5. Legal nonconforming signs.**

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(e) ~~Annual~~ Biennial recertification of legal nonconforming billboards.

On or before October 1, 2007 and ~~each~~ every two years thereafter, the city shall recertify a legal nonconforming billboard located within the geographic limits of the city upon application of the sign owner or authorized representative together with payment of an ~~annual~~ initial certification fee in the amount of \$3,000 and upon a determination that the billboard is in compliance with city code provisions, Florida building code and technical codes adopted by the city, after final inspection and approval by the building official. The sign owner shall obtain written permission from the property owner for city inspectors to enter private property to inspect the billboard at the time the application for recertification is submitted. The amount of the biennial recertification fee shall be reduced to \$1,500 after payment of the initial certification fee and inspection of the legal nonconforming billboard.

If a sign is not in compliance with the applicable codes, the city will provide a cure plan to correct the violations within a reasonable period of time. If the sign remains in noncompliance after the expiration of the curative time period, then the city shall revoke the annual sign permit in addition to other remedies provided in the Code or by law. If a sign owner does not recertify the billboard as provided herein, the city may suspend or revoke all occupational licenses issued to the property address of the property owner in addition to other remedies provided in the Code or by law.

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**Sec. 7-12. ~~FM (Flea market, swap meet, open air market, bazaar) district signs.~~**

~~(a) FM identification signs, not exceeding 120 square feet in sign area, shall be permitted at each major entrance or exit; however, no sign shall be closer than 300 feet from another such sign along the same property line.~~

~~(b) Seller or vendor identification signs, not exceeding eight square feet in sign area, shall be allowed to be displayed by each seller or vendor.~~

~~(c) Instructional signs, not exceeding four square feet in area, shall be permitted to provide visitor information for efficient movement of vehicular or pedestrian traffic within the area of the approved site.~~

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**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Inclusion in Hialeah, Fla., Land Development Code and Hialeah Code.**

The provisions of this ordinance shall be included and incorporated in the Hialeah, Fla., Land Development Code and Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Hialeah, Fla., Land Development Code and the Hialeah Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled city council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED AND ADOPTED this 8th day of September, 2009.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

Attest:

Approved on this 10<sup>th</sup> day of September, 2009.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez, Yedra voting "Yes" and Councilmember Gonzalez absent.